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NATIONAL ADVISORY BOARD FOR WILD FREE-ROAMING HORSES AND BURROS

PROCEEDINGS

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**BILLINGS, MONTANA
JULY 16-17, 1973**

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT**

**UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE**

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Nat'l Adv. Bd
Billings, Mont - 1973

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ADDENDUM SHEET

A minority report was received from Mrs. Velma Johnston concerning the recommendations by the Board on additional proposed legislation. See Appendix No. 6.

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Meeting Agenda

NATIONAL ADVISORY BOARD ON
WILD FREE-ROAMING HORSES AND BURROS

Holiday Inn West
Interstate 90 West

Billings, Montana
July 16 and 17, 1973

July 16

7 a.m. Leave Billings for Pryor Mountain Wild Horse Range--
Biology and Alternatives for Management

Montana State Director and staff
Custer National Forest Supervisor and staff
Bighorn Recreation Area Supervisor and staff

6 p.m. Arrive Billings

July 17

8:30 a.m. Report on Previous Advisory Board Recommendations
FS
BLM

9:30 a.m. Review of Accomplishments on Cooperative Agreements with
State Agencies
FS
BLM

10 a.m. Public Comments

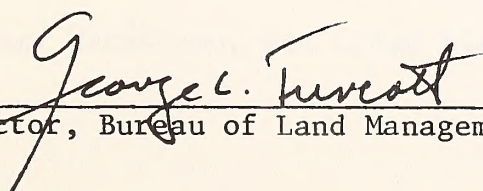
12 noon Lunch

1:30 p.m. Review of Advisory Board Role, Charter, and Management
Procedures
FS
BLM

3 p.m. Advisory Board Recommendations and Resolutions

4:15 p.m. Report--Burro Committee--Meeting Plans

4:30 p.m. Adjourn



Acting Director, Bureau of Land Management

BOARD MEMBERS PRESENT - July 16, 1973:

Dr. C. Wayne Cook, Chairman
Mrs. Pearl Twyne
Dr. Roger Hungerford
Mr. Ed Pierson
Mr. Roy Young
Mrs. Velma B. Johnston
Mr. Dean T. Prosser, Jr.

BOARD MEMBERS NOT PRESENT - July 16, 1973:

Dr. Floyd W. Frank
Mr. Ben Glading

AGENCY PERSONNEL PRESENT - July 16, 1973:

Mr. George Lea, Chief, Resource Coordination Staff (Representing the Associate Director, Bureau of Land Management)

Mr. W.B. "Wally" Gallaher, Assistant Director, Division of Range Management, Forest Service (Representing the Secretary of Agriculture)

Mr. Robert J. Springer, Range Conservationist, Bureau of Land Management

Mr. Lowell Brown, Natural Resource Manager, Billings, Bureau of Land Management

Mr. C. Rex Cleary, District Manager, Billings, Bureau of Land Management

Mr. James R. Hall, Wildlife Biologist, Billings, Bureau of Land Management

Mr. Dominic Obert, Range Technician, Billings, Bureau of Land Management

Mr. Gene Nunn, Range Technician, Billings, Bureau of Land Management

Mr. Richard Jensen, Range Conservationist, Billings, Bureau of Land Management

Mr. Arthur Sullivan, Superintendent, Big Horn National Resource Area, National Park Service

Mr. Richard Lake, South District Manager, Big Horn National Resource Area, National Park Service

Mr. Daniel McIntyre, Supervisor, Custer National Forest

Mr. Gary Wetzsteon, Red Lodge District Range, Custer National Forest

BOARD MEMBERS PRESENT - July 17, 1973:

Dr. C. Wayne Cook, Chairman
Mrs. Pearl Twyne
Dr. Roger Hungerford
Mr. Ed Pierson
Mr. Ben Glading
Mr. Roy Young
Mrs. Velma B. Johnston
Mr. Dean T. Prosser, Jr.

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of Agriculture)

Mr. Robert J. Springer, Range Conservationist, Bureau of Land Management

Mr. C. Rex Cleary, District Manager, Billings, Bureau of Land Management

Mr. Lowell Brown, Natural Resource Manager, Billings, Bureau of Land
Management

Mr. James R. Hall, Wildlife Biologist, Billings, Bureau of Land
Management

Mr. John F. Bowers, Natural Resource Specialist, Billings, Bureau of
Land Management

Mr. Kelly Hammond, Natural Resource Specialist, Montana State Office,
Bureau of Land Management

Mr. Donald MacIntosh, Montana State Office, Bureau of Land Management

Mr. Bill D. Noble, Montana State Office, Bureau of Land Management

July 17, 1973

Mr. Arthur Sullivan, Superintendent, Big Horn National Resource Area,
National Park Service

Mr. Richard Lake, South District Manager, Big Horn National Resource
Area, National Park Service

Mr. Daniel McIntyre, Supervisor, Custer National Forest

PUBLIC APPEARANCES - July 17, 1973:

Mr. Eldon Smith, Wildlife Biologist

Mr. Al Kania, Feral Organized Assistance League, Inc.

Mr. Kent Gregersen, National Mustang Association, Inc.

Mr. Harold L. Perry, The Humane Society of the United States

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PROCEEDINGS OF THE NATIONAL ADVISORY BOARD

FOR

WILD FREE-ROAMING HORSES AND BURROS

Billings, Montana

July 16-17, 1973

Introduction:

The third meeting of the National Advisory Board on Wild Free-Roaming Horses and Burros was held in Billings, Montana. The meeting was requested by Rogers C. B. Morton, Secretary of the Interior, on behalf of himself and Secretary Butz of the Department of Agriculture by memorandum dated June 14, 1973.

The first day of the meeting (July 16) was spent on a field trip touring the Pryor Mountain Wild Horse Range. A highlight of the tour was an explanation of the planning system used by the Bureau of Land Management in cooperation with the Forest Service in preparing the land use recommendations for the Pryor Mountain complex.

The second day of the meeting was held at the Holiday Inn West in Billings. The meeting was called to order at 8:30 a.m. by the Chairman, Dr. C. Wayne Cook, and thereafter was conducted in accord with the agenda outline.

PROCEEDINGS--NATIONAL ADVISORY BOARD ON WILD
FREE-ROAMING HORSES AND BURROS
July 17, 1973

The third meeting of the National Advisory Board on Wild Free-Roaming Horses and Burros was called to order by the Chairman, Dr. C. Wayne Cook, at 8:30 a.m. on July 17, 1973, at the Holiday Inn West, Billings, Montana.

The first order of business was a report on previous recommendations submitted to the Bureau of Land Management and Forest Service on their proposed regulations. These recommendations and the responses by the Department of the Interior are shown in Appendix No. 5. The Forest Service representative discussed orally the responses of the Department of Agriculture to the recommendations.

Although the proposed regulations were ready for final publication, the Board was requested to make any additional comments or suggestions it wished. The additional comments of the Board members or any new information supplied by the Forest Service or BLM representative are shown briefly in the following list. The response number corresponds to the same item number in Appendix No. 5.

1st - 7th Responses

The only Board comment on these seven items was to change, on page 2, "State Land Departments" to "State Game Departments."

8th Response

No comment from the Board. The Forest Service will add the word "progeny" to its regulations.

9th Response

No comment from the Board.

10th Response

No comment from the Board. The Forest Service does not use the wording "specific range" but continues to use the words "specifically designated." A new definition has been written for "1971 Horse and Burro Territory" shown as item 7 on page B-3 in the Final Environmental Impact Statement of the Forest Service.

11th Response

No comment from the Board. The Forest Service and Bureau of Land Management did not follow this recommendation.

12th Response

No comment from the Board.

13th Response

No comment from the Board. The Forest Service dropped all reference to any entity.

14th Response

No comment from the Board.

15th Response

No comment from the Board. The Bureau and the Forest Service did not choose to adopt this recommendation. The criteria may appear as guidelines in manuals.

16th Response

The Bureau was questioned as to why the wording "authorized officer" was used in providing for specific ranges. See 17th response.

17th Response

The Bureau was questioned as to why the word "withdrawn" was used in the response. The word will not appear in the regulations. It was suggested that the Bureau provide in its regulations that the designation of specific ranges ultimately be approved by the Director. The authorized officer would only initiate the action for the designation of a specific range. The Board preferred the term "Director" in place of "authorized officer." The suggestion was not adopted.

18th Response

No comment by the Board.

19th Response

The Chairman requested clarification. It was explained that the Bureau would use its planning system procedures to determine the numbers. The Forest Service would rely primarily on technical findings of what might be a viable number for a herd.

20th Response

Rewritten to comply with suggestions by the Board.

21st Response

After a lengthy discussion, it was moved and seconded that the BLM accept ownership claim in the absence of a cooperative agreement in line with the Forest Service's proposed regulations. The motion passed.

22nd Response

The Board asked for the reasoning behind the Solicitor's decision. It was explained that regulations such as those on trespass on public lands cannot be arbitrarily waived.

23rd Response

The Forest Service requested a formal opinion from its legal counsel. It has had no reply to date, but believe that it will be the same as for the Bureau--that trespass cannot be waived. No additional comments by the Board.

24th Response

No additional comments from the Board. The Forest Service and the Bureau are seeking tripartite agreements in all States.

During the period on the agenda for hearing comments from the public, the following persons appeared before the Board:

Mr. Alan J. Kania, Feral Organized Assistance League, Inc.
Mr. Harold L. Perry, The Humane Society of the United States
Mr. Kent Gregersen, National Mustang Association, Inc.
Mr. Eldon Smith, Wildlife Biologist

The full text of their comments is on file with the BLM. The general nature of their comments is as follows:

Mr. Kania told the Board of his experience in viewing wild horses in the Bookcliff area north of Grand Junction, Colorado. He explained his present research efforts on different diseases of horses and the issue of horses being classified as an exotic or feral species.

The primary concern of The Humane Society, according to Mr. Perry, is that in all instances where a reduction in numbers was necessary, all animals would be handled and transported or disposed of in a humane manner.

Mr. Gregersen proposed mustanging as a possible way to reduce numbers of excess horses in a region. He stated several areas in the West had a large overpopulation of horses, and suggested the distribution of the excess animals to other areas.

Mr. Smith stated the Bureau of Land Management should set a definite policy for wild horse management in the Pryor Mountain complex.

Considerable discussion followed on the regulations and Pryor Mountain horse range. The question of transferring title of excess horses was discussed by Ed Pierson. Reference was made to a letter of February 13, 1972, to the Chief of Forest Service from the General Counsel of the Department of Agriculture regarding the question of transferring title. Pertinent parts were quoted as follows.

"Section 3(b) of the Act (92-195) does not authorize the Secretaries to sell, convey title, or transfer legal ownership of the animals. * * * No mention is made in the Act of transfer of ownership, and specific sales provisions and limitations were dropped from earlier versions of the Act.
* * *

"The Forest Service should act as a trustee to protect the animals from inhumane abuses or harassment, not as an owner and breeder of horses and burros. The Act requires the Forest Service to manage the land with the animals as one component. * * *

"If protection under the Act creates an excess of animals, the surplus must be disposed of when overpopulation occurs.

"Section 3(b) permits humane methods of destruction in recognition of the difficulties of gathering the animals from wild herds. Section 3(b) also permits capture and removal for private maintenance under humane conditions and care. The Secretaries may authorize such maintenance by some instrument and under specified conditions. Animals so maintained must retain their status as 'wild and free-roaming horses or burros.' * * *

"The Secretaries would have a continuing responsibility for animals placed in private maintenance.

"The private maintenance concept is also developed in Section 4 of the Act. Animals in private maintenance under Section 4 must be kept in a free-roaming state.

* * *

Mrs. Johnston disagreed with the interpretation and stated that it was the intent of the drafters of that bill that distribution to private ownership could be made, and that the Secretary of the Interior would be the custodian--the interim custodian--until such time as these animals could be placed in ownership of someone else.

Mustanging was discussed briefly. It was made a matter of record that the committee does not feel disposed at this time to make a recommendation for amendment to the present act to include mustanging.

Discussion followed on the Pryor Mountain horses, possible range expansion, excess horses due to poor range conditions, and disposal through cooperative agreements.

The funding made available to the agencies for wild horse and burro management was discussed. BLM received additional funds and 10 extra positions were allocated to field offices for the 1974 fiscal year. The Forest Service did not receive additional funding for the 1974 fiscal year.

Another subject brought up was cooperative agreements. Dean Prosser was requested to discuss the criteria in the proposed Wyoming cooperative agreement to be signed by the State, Forest Service, and Bureau of Land Management. Mr. Prosser stated that the criteria discussed at the Denver meeting were essentially the same as that in the proposed agreement. The agreement states as follows:

Claimant must submit with his claim a sworn affidavit asserting ownership to the claimed animals and indicating a willingness to defend title and setting forth the following:

1. The number of animals claimed.
2. A description of each of the claimed animals, including factors indicating tameness, such as the animal being gelded, broken to rope or saddle, including other marks

such as tattoos, tags or man-created blemishes, color patterns or characteristics, anything that is clearly visible.

3. The date and circumstances that the animals entered upon the open range.
4. The location of relevant private or leased lands where animals were kept prior to the release on the open range.
5. Any other information the claimant deems relevant, such as witnesses to the affidavit by a third party.
6. Other ownership evidence when available will be submitted with the claim. This may include, again, No. 1, a Bill of Sale fully describing the claimed animals which meets all state legal requirements for a bill of sale, or No. 2, a valid inspection certificate issued by the Board for some previous occasion which fully describes the animals and which clearly identifies the animals as belonging to the claimant, and No. 3, a brand certificate issued by another state for some previous occasion as required by the rules and regulations of that state.

If the claimant is unable to satisfy any of the above requirements, the Board, Bureau, and Forest Service may consider other appropriate proof of ownership which may be included but is not limited to: (a) whether the claimant has paid personal property tax upon the claimed animal, or (b) whether the animal is known progeny of a mare or jenny owned by the claimant.

Upon receipt of the written claim and supporting information, the Bureau's or Forest Service's authorized officer will meet with the Board's representative and jointly review the information submitted by the claimant. Based upon this review, the Board's representative will certify in writing to the authorized officer as to whether the claimant meets the state's ownership requirements. If the state ownership requirements have been met, the Bureau's or Forest Service's authorized officer will issue written authorization to the claimant setting forth the terms and conditions for gathering the animals. The Bureau and/or Forest Service authorized officer and the Board's representative may participate in and supervise roundups directed by the Bureau and Forest Service to assure compliance with state laws and regulations.

After the animals are gathered, they will be inspected by the Bureau or Forest Service authorized officer and Board representative and, upon satisfaction of ownership and a determination of any trespass charges, the animals will be turned over to the claimant. Unclaimed animals showing evidence of abandonment, such as unregistered brands, tattoos or tags, will be turned over to the Board's representative to be handled under state estray procedures. Wild and free-roaming animals will be returned to the open range.

Progress in acquiring cooperative agreements in other States to date was reported by the agency representatives as follows:

State

Arizona	- Agreement drafted, needs modification
California	- Initial discussion with State officials
Colorado	- Final draft submitted to State for signature
Idaho	- Drafted and under review by all parties
Montana	- Drafted and under review by all parties
Nevada	- Action delayed by State until 8/29 for meeting with State Department of Agriculture
New Mexico	- Final draft is being reviewed by all parties
Oregon	- Final draft under review by State officials
Utah	- Completed and signed--State, BLM, FS
Wyoming	- Final draft, ready for signatures

Afternoon Proceedings

The Board formally approved the regulations as presented and recommended that they be published as soon as possible. The Board also recommended that its further views be reflected in suggested law changes rather than regulations.

The Burro Committee appointed at the previous meeting in Denver, Colorado, consisting of Roger Hungerford, Ben Glading, and Roy Young, gave its report. A preliminary contact has been made with Mr. Richard Weaver, California Fish and Game Department, who has considerable knowledge on big horn sheep-burro relationships. He is willing to appear before the Board and speak on burro management. Additional contacts will be made with others known to have special knowledge of burros.

It was suggested the meeting be devoted generally to burro management and not to any local problem. The Burro Committee will suggest an agenda for the next meeting. Suggested dates for the meeting were from the middle of October to early November. At the same time it was suggested that the subsequent meeting be scheduled for Washington, D.C., tentatively in April 1974, at which time the Committee would assist the agencies in preparing the 30-month report required by the act.

The Board members formally recommended that the Secretaries seek an amendment to the law that would explicitly permit transfers of surplus animals to private ownership with adequate provisions for the welfare of the animals.

The Board also recommended that the act be amended to permit the two Secretaries to designate lands under their respective jurisdiction including, but not limited to, national parks and monuments, national wildlife refuges, and Bureau of Reclamation lands for administration under Public Law 92-195.

The Board recommended that the Secretaries request adequate funding to do the necessary research to properly manage wild horses and burros on public lands.

The Board recommended that the two agencies follow the policy of not resorting to supplemental feeding of wild horses and burros except in extreme emergency.

The Board recommended, with Mrs. Johnston dissenting, that legislation be sought to allow the use of aircraft, including helicopters, in the inventory and removal of excess wild horses and burros, provided that each and every aircraft have an employee of one of the two Departments in it.

The Board recommended, with Mrs. Johnston and Mr. Prosser dissenting, that the two Secretaries seek an amendment of Section 3(d) and Section 8(4), Public Law 92-195, that would permit carcasses of animals designated for disposal to be rendered in the customary manner, including commercial rendering plants, provided that any costs or any income resulting from such disposal be a responsibility of the Federal agency concerned, and that no monies, in any way, accrue to any third party.

A research proposal from two graduate students from California State University School of Conservation and Ecology at Long Beach was presented to the Board for its information. A copy of this proposal will be reviewed by Mr. Hungerford and Mr. Glading and any additional criteria that they deem necessary for improvement of the research work will be forwarded to the Bureau of Land Management which will make a final decision on the research project.

The Forest Service representative reported on the horses that were gathered near Howe, Idaho, in February 1973. Twenty of these horses are impounded at North Platte, Nebraska, and in good health. The Department of Justice still has control of the case.

The Forest Service representative discussed the problems of burro management that appear where the jurisdiction is under two different agencies and one agency is not subject to the jurisdiction of the Secretaries of Agriculture and Interior. Another example of problems was given of horses being turned out in trespass after December 15, 1971, and not being claimed by the owner.

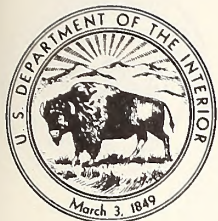
A letter to the Secretary of the Interior submitting a resolution from the American Society of Mammalogists was read to the Advisory Board. The resolution passed June 16, 1973, by the Society at their annual meeting in Asilomar, California, recommended that horse and burro numbers be maintained at sufficiently low levels to eliminate serious competition with optimum native mammal populations and that no more than four specific wild horse ranges be established.

A letter from Mr. James N. Pickett, President and Director of the Wild Horse and Burro Care Program, stating some of their proposed work plans was read to the Board. This organization is very interested in working on new facilities and maintenance of existing water facilities for wild horses and burros on public lands. This type of work on national resource lands must be authorized by the Bureau of Land Management.

I certify that I attended the proceedings of the National Advisory Board on Wild Free-Roaming Horses and Burros herein reported, and that this is an accurate summary of the matters discussed and the recommendations made.

Sept. 17, 1973
(Date)

C. Wayne Cook
C. Wayne Cook, Chairman



United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

In Reply Refer To:
1784(330)

JUN 14 1973

Memorandum

To: Members, National Advisory Board on Wild Free-Roaming
Horses and Burros

From: Secretary of the Interior

Subject: Call to Meet

Secretary of Agriculture Earl L. Butz and I have called a meeting of the National Advisory Board for Wild Free-Roaming Horses and Burros in Billings, Montana, on July 16 and 17, 1973.

You will be advised of further details by the Director, Bureau of Land Management.

Rogers C B Morton



United States Department of the Interior

1214 (330)

BUREAU OF LAND MANAGEMENT
WASHINGTON, D.C. 20240

JUL 9 1973

Memorandum

To: George D. Lea, Acting Deputy Assistant Director,
Resources

From: Director

Subject: Delegation of Authority - July 1973 Meeting of the
Wild Horse and Burro Advisory Board

Pursuant to the authority delegated to me by the Secretary of the Interior, I hereby delegate to you authority and responsibility to act as authorized representative of the Secretary at the July 16 and 17, 1973 meeting of the Joint National Advisory Board on Wild Free-Roaming Horses and Burros.

UNITED STATES DEPARTMENT OF AGRICULTURE
FOREST SERVICE

WO

REPLY TO: 2260 Wild Free-Roaming Horses and Burros

July 5, 1973

SUBJECT: USDA Representative to Third Meeting of National
Advisory Board for Wild Free-Roaming Horses and Burros

TO: Director, Bureau of Land Management



I will be unable to attend the third meeting of the National Advisory Board for Wild Free-Roaming Horses and Burros on July 16-17, 1973. Mr. W. B. Gallaher will attend in my place and I have delegated to him my responsibilities as official representative of the Department of Agriculture for this meeting.

A handwritten signature in cursive script, appearing to read 'Frank J. Smith'.

FRANK J. SMITH
Director of Range Management

DEPARTMENT OF THE INTERIOR**Bureau of Land Management****NATIONAL ADVISORY BOARD ON WILD
FREE-ROAMING HORSES AND BURROS****Notice of Meeting**

Notice is hereby given that the National Advisory Board for Wild Free-Roaming Horses and Burros will hold a meeting on July 16 and 17 at the Holiday Inn West, Interstate 90 West, Billings, Montana. The agenda for the meeting will include: July 16—A field trip to the Pryor Mountain Wild Horse Range. The tour will leave Billings at 7 a.m. and is scheduled to return to Billings at 6 p.m. Individuals desiring to participate in the field trip should arrange for their own transportation and sustenance. July 17—(1) Report on previous Advisory Board recommendations; (2) review of accomplishments on cooperative agreements with State agencies; (3) review of Advisory Board role, charter, and management procedures; (4) public comments; (5) burro committee report; and (6) Advisory Board recommendations and resolutions.

The meeting will be open to the public. Limited time will be available for brief statements by members of the public. Those persons wishing to make an oral statement must inform the Advisory Board Chairman in writing prior to the meeting of the Board. Any interested person may file a written statement with the Board for its consideration. The Advisory Board Chairman is Dr. C. Wayne Cook. Written statements may be submitted at the meeting or mailed to Dr. Cook c/o the Director (330), Bureau of Land Management, Washington, D.C. 20240.

Additional details can be obtained by contacting the Office of Public Affairs, Bureau of Land Management, Federal Building and U.S. Courthouse, 316 N. 26th Street, Billings, Montana 59101.

Minutes of the meeting will be available for public inspection 30 days after the meeting at the Office of the Director (330), Bureau of Land Management, Interior Building, Washington, D.C. 20240.

GEORGE L. TURCOTT,
Acting Director.

JUNE 22, 1973.

[FR Doc.73-13393 Filed 7-2-73; 8:45 am]

Explanation of actions taken by the Department of the Interior and Bureau of Land Management to recommendations of the Advisory Board developed during the December 12 and 13 and March 21 and 22 meetings.

DECEMBER 12 AND 13 MEETING--SALT LAKE CITY, UTAH

Recommendation:

1. The BLM proposed regulations be amended as follows:

Subpart 4713 - Claimed Animals

- 4713.1(b) The word "probable" in the last sentence be changed to "proof of ownership."

The requirement for proof be revised to require the claimant to substantiate proof of ownership in accordance with the provisions of a cooperative agreement to be developed between BLM and the State agency responsible for the State branding and estray laws of the respective States.

1st Response:

This paragraph has been completely revised, including the requirements that a claimant must submit "sufficient" evidence of ownership to justify a roundup before permission will be granted by the authorized officer to gather such animals.

Recommendation:

2. The Secretaries of the Interior and Agriculture should include other Federal lands such as NPS, BSF&W, military reservations, etc., under the provisions of PL 92-195 by management instructions or cooperative agreement.

2nd Response:

No action has been taken upon this recommendation. The present opinion relative to interpretation of the act is that animals which do not use public lands as any part of their habitat are not included under the provisions of PL 92-195. Where animals use such lands as part of their habitat along with public lands, the regulations require the authorized officer to seek cooperative agreements to assure continuance of such use.

Recommendation:

3. A legal opinion should be secured as to whether animals found excess under Section 3(b) of the act can be placed in private ownership.

and

4. A legal opinion should be secured whether carcasses of wild free-roaming horses and burros can be disposed of to a rendering plant to avoid pollution of the environment.

3rd Response:

An opinion was requested from the Office of the General Counsel, Department of Agriculture. This opinion was passed out to members of the Board and discussed at the last meeting.

Recommendation:

5. Agencies (BLM and FS) should develop model cooperative agreements with some major cooperators such as:

State agencies administering branding and estray laws
State land departments
Grazing associations

Priority model agreements should be presented to the Board at the next meeting for review.

4th Response:

This recommendation has been partially adopted by development of model cooperative agreements with the State agencies administering the branding and estray laws. Models developed in New Mexico and Wyoming were presented and discussed at the last meeting. Active work is underway in all States to negotiate such an agreement and it is expected several agreements have been signed or will be completed within the next few weeks.

We anticipate other agreements with the agencies involved with management of wild horses and burros will be consummated soon after adoption of the regulations.

Recommendation:

6. The agencies (BLM-FS) keep the Board informed on current literature, basic research, population trends, and "experts in the field" relative to items associated with wild free-roaming horses and burros. Experts should be invited to speak at Advisory Board meetings.

5th Response:

This recommendation was accepted. Work is in progress toward developments of a "research needs" prospectus and one of the first phases will be the compilation and review of the literature and research documents available.

Experts will be accommodated and invited to future meetings as time and agenda topics permit.

Recommendation:

7. The agencies (BLM-FS) should have a continuing inventory of wild free-roaming horses and burros.

6th Response:

This recommendation was accepted and will be accomplished during various phases of claiming private horses and/or burros and as time and appropriations permit.

Recommendation:

8. Specific comments and recommendations on the agencies' proposed environmental statement and regulations should be the priority agenda topic for the next Board meeting to be held within the next 60 days. Date of the meeting should be set by February 1.

7th Response:

This recommendation was accepted and accomplished at the last meeting.

ADVISORY BOARD RECOMMENDATIONS - DENVER MEETING
March 21 and 22, 1973

Proposed Regulations

Pages 1 and 2 (4710.0-1-2-3 - USDI
(36 CFR, Part 231 - USDA

- (1) No written or oral statements were of record. Chairman Cook indicated committee acceptance of these as written, absent comment later on in the meeting.

Pages 3 and 4 (4710.0-5 - USDI
(231.11(a) - (1)(2)(3) - USDA

- (1) There was discussion of the definition for "Wild Free-Roaming Horses and Burros," relative to the status of progeny of animals qualifying as wild. . . etc., upon date of the act. No conclusion was reached as to need for modification of the definition

8th Response:

The definition has been changed to include the "progeny" as well as other changes for clarification as recommended by the Solicitor.

- (2) "Public Land (4700) - Questions if the law adequately covers military withdrawals and similar lands not directly administered by BLM. It was suggested that Interior consider the advisability of adding another paragraph to include all lands subject to full or partial administration under subpart 4711.

Pages 5 and 6 - (4710 - USDI
(231.11(a)(4)(7)(8) - USDA

- (1) There was discussion of what constitutes public land under the act with specific reference to intermingled private lands such as in a railroad checkerboard land pattern. It was generally agreed such areas will have to be incorporated into a cooperative agreement if they are to be subject to a wild horse or burro management program.

9th Response:

The Solicitor advised that this definition could not be expanded to include additional lands. It was determined that the application of PL 92-195 and the regulations would have to be determined on a case-by-case basis since there are so many variations in land status and withdrawal orders. This section will be expanded to the extent possible in the Bureau Manual.

- (2) Lengthy discussion took place on the various definitions of the word "range" as it might be interpreted under 4710(e). It was moved and seconded that the word "specific" be inserted in the title line of both 4710(e) and 231.11(a)(4) following the word "burros" so as to read "Wild horse or burro specific range." (Note: This had the effect of withdrawing an earlier motion on this point.) Unanimously approved.

It was moved and seconded that "a second sentence be added to paragraph 4710(e) and 231.11(a)(4) to define other areas used by horses and burros where BLM and national forest lands will be managed under multiple use principles as described in 2(c) of the Act." Unanimously approved.

10th Response:

This definition was modified to distinguish between "specifically designated ranges" and "herd management areas" which would be managed under multiple-use principles.

Pages 7 and 8 - (4710 - USDI
(231.11(a)(5) and (6) - USDA

No recommendations were made concerning Forest Service regulations 231.11(a), (5) and (6).

Pages 9 and 10 - (4710.0-6 - USDI
(231.11(b) - USDA

- (1) There was considerable discussion on the policy expressed by 4710-6(b). With the objective of clarifying this paragraph, it was moved the following language be added after the word "permit," "but such an arrangement is permissible under a cooperative agreement." Seconded and approved by unanimous vote.

11th Response:

It is the Solicitor's opinion that conversion of grazing privileges cannot be accomplished by conversion of grazing privileges to wild horse or burro use and the privileges still retained by the individual or association; however, such privileges can be relinquished to the Bureau and the Bureau would then manage the wild horse or burro use. The Bureau Manual will expand this provision.

Pages 11 and 12 - (4711 - USDI
(231.11 - USDA

- (1) To improve consistency of BLM/FS regulations and allow some flexibility to the BLM regulation 4711.2(b), it was recommended that the words, "to the fullest extent possible," be added to the last sentence of this subparagraph. Motion seconded and passed by unanimous vote.

12th Response:

The recommended wording has been added to the regulations.

Pages 13 and 14 - (4711.3 - USDI
(231.11(b) - USDA

- (1) There was a discussion on the need for including nonprofit organizations in the Forest Service regulations. It was moved that the terminology, "nonprofit organizations," be included in the Forest Service regulation 231.11(h) under "Cooperative agreements," seconded and approved by unanimous vote.

13th Response:

Forest Service - Dropped all reference to any entity.

Pages 15 and 16 - (4712 - USDI
(236.11(b) - USDA

- (1) To make it clear that subparagraph 4712.1-1 would apply to all BLM administered lands, it was suggested that in line 2 the word "specific" be inserted in front of the word "ranges"; then insert after the word "ranges," "as well as other lands over which the BLM has jurisdiction with respect to the provisions of this act." The motion was seconded and approved by unanimous vote.

14th Response:

The recommendation was used and the regulations amended to clarify the difference between "specifically designated ranges and other management areas." Major revisions were made in the complete 4712 (Management Considerations) section to clarify this area.

- (2) In discussion of this page of regulations, Dr. Frank asked what criteria would be used to identify excess horse or burro numbers. Chairman Cook suggested the following sequence determinations for BLM and FS consideration.
- a. Number of animals on the range at the present time.
 - b. Suitability of range for production of forage.
 - c. Current condition of range compared with its potential.
 - d. Trend of range condition.
 - e. Coordination of horse and other resource uses.

These criteria were then incorporated into a motion, seconded, and passed unanimously.

15th Response:

These are valid criteria; however, it would not be appropriate to use them directly in the regulations. They are included in the Bureau's planning system and the regulations under 4710 (Policy) and 4712.1-1 (Planning).

Pages 19 and 20 - (4712.2 - USDI
(231.11(b)(1) - USDA

- (1) In reference to the heading of BLM 4712.2, it was recommended that the word "specific" be inserted between the words "of" and "ranges." Motion seconded and passed with one dissenting vote.
- (2) Because sentence (4) in paragraph 4712.2-2 is not actually a criterion, it was moved that the heading of the paragraph be changed to read "Criteria and Requirements for Designation." Motion seconded and passed with one abstention.
- (3) It was moved that the language in FS regulation 231.11(b)(1) be incorporated into BLM regulation 4712.2-1 by adding at the end of the first line--"specific ranges," "in those unique and singularly important situations where he determines such designation as especially fitting," "for protection and" Motion was seconded and passed by unanimous vote.

16th Response:

The complete section 4712.2 (Establishment of Ranges) was rewritten for clarity and additional criteria were added.

- (4) Considerable discussion centered around the extent of delegation desirable in the actual designation of a specific wild horse or burro range. It was moved that the words, "the authorized officer," in BLM regulation 4712.2-1 be changed to "the Secretary of the Interior," and in FS regulation 231.11(b)(1) the words "He (the Chief, Forest Service)" be changed to "The Secretary of Agriculture." Motion seconded and passed with one opposing vote.

17th Response:

This recommendation was not accepted. Under the procedures for delegation of authority established by the Secretary of the Interior, specific authority can be delegated or withheld as deemed appropriate. If a specific range were formally withdrawn it would require the Secretary's signature.

Pages 21 and 22 (4712.3 - USDI
(231.11(i) - USDA

- (1) To clarify the language of 4712.3-1. It was suggested this paragraph read "Animals may be captured, corralled, and held in the most humane manner possible pending disposal under the provisions of this subpart." This was seconded and passed by unanimous vote.
- (2) With reference to the same paragraph (4712.3-1) and to FS regulation 231.11(i), it was moved that the lead sentence in each case begin with the phrase "Under the supervision of authorized personnel." This was seconded and passed unanimously.

18th Response:

This paragraph was rewritten to include the recommendations.

Pages 23 and 24 - (4712.3-2 - USDI
(231.11(j) - USDA

- (1) After considerable discussion concerning these proposed regulations without a consensus formed, the Chairman assigned Board members Mrs. Johnston and Mr. Glading to prepare a redraft of the regulation for later discussion and action.

Pages 25 and 26 - (4712.4 - USDI
(231.11(e) - USDA

- (1) Discussion centered on the problems of fencing or lack of fencing, particularly in checkerboard areas as related to control or removal of horses. No recommendations were made on this matter.
- (2) In relation to establishing or maintaining an ecological balance, Dr. Frank suggested the need for departmental policy statements regarding the total numbers of wild free-roaming horses and burros. This suggestion was amended to eliminate the word "wild" and a motion made, "The Advisory Board recommends to the Secretary that in the foreseeable future the total number allowable shall, in general, be limited to a number approximating the number of free-roaming horses and burros in existence at the time of passage of the Act." Seconded and passed by unanimous vote.

19th Response:

This recommendation was not incorporated into the regulations. The location, population, and management practices of wild horses and burros will be determined through the Bureau's planning system. A predetermined population decision would not be consistent with this process since other lands uses, capabilities, and conflicts have not been considered.

The Chairman noted that, "Some time or other land managers are going to have to evaluate the primary producers, or the total herbage production, and at the same time evaluate the total herbivore population, both small and large, rodents, rabbits, burros, horses, cows, sheep, deer, antelope, the whole business, and the sooner we get accustomed to counting these and knowing what is there, the sooner we are going to get what we call a normal, balanced ecosystem, and never until we do this are we going to."

Conclusion of first day's meeting.

Thursday, March 22, 1973

Pages 23 and 24 (Revision) - (4712.3-3 - USDI
(231.11(j) - USDA

- (1) The first matter of discussion was a revision of draft regulations, pages 23 and 24. The revised draft was presented by Mrs. Johnston. After review of the revision as written below, it was moved "that the revised draft be approved." The motion was seconded and adopted by unanimous vote.

"Subpart 4712 - Management Considerations - Revised Draft.

4712.3-3 - Disposal

Where the Director of the Bureau of Land Management, through his authorized officer, finds it necessary, in accordance with 4712.3-2, to remove excess animals from specific areas of the public lands, and he determines that the capture or relocation of animals under 4712.3-2 is not practical, he may destroy such animals in the most humane manner possible, after appropriate consultation with the Advisory Board.

4712.3-4 - Acts of Mercy

Severely injured or seriously sick animals will be destroyed immediately in the most humane manner possible as an act of mercy.

4712.3-5 - Disposal of Carcasses

It is not anticipated that any mass destruction of animals will be necessary or should occur, and that where destruction is necessary it would be done selectively, individually, and as unobtrusively as possible. In no event shall carcasses or any part thereof, including those in the authorized possession of private parties, be sold for any consideration, directly or indirectly.

231.11(j) - Disposal of Animals

No person except a duly designated agent of the Secretary shall destroy any wild free-roaming horse or burro. Such agents may destroy wild free-roaming horses or burros under the following circumstances:

- (1) Severely injured or seriously sick animals may be destroyed immediately in the most humane manner possible as an act of mercy.
- (2) When the Chief, Forest Service, finds it necessary to remove surplus wild free-roaming horses or burros and he determines there is no practical way to effect either their capture or their relocation, the animal(s) shall be destroyed in the most humane manner possible after appropriate consultation with the National Advisory Board.

231.11(k) - Disposal of Carcasses^{1/}

It is not anticipated that any mass destruction of animals will be necessary or should occur, and that where destruction is necessary it should be done selectively, individually, and as unobtrusively as possible. In no event shall carcasses or any part thereof, including those in the authorized possession of private parties, be sold for consideration, directly or indirectly.

20th Response;

These sections of the regulations were rewritten to reflect the intent of the recommendations although the exact wording was not used in all cases.

^{1/} The transcript (page 312) reflects a later consideration of these same regulations in which reference was made to typewritten sheets circulated to Board members. These were identical to the foregoing with the exception of FS Regulation 231.11(k). The Board again considered and passed a revised version by unanimous vote. Thus, recommendation for two versions of the same regulation.

Pages 27 and 28 - (4713.1 - USDI
(231.11(c) - USDA

- (1) The subject of claimed animals generated a great deal of discussion relating to such things as criteria for proof of ownership, application of State laws to claiming procedures, recent questionable roundups of animals on public lands, etc. It was recommended that the word "probable" be removed from 4713.1(b) and the words, "proof of ownership," be substituted in lieu thereof. This was seconded but no vote was taken. After further discussion, an addition was made to the motion to read, "proof of ownership as cooperatively agreed between the agency and State authorities." This was also seconded but without a vote of the Board. There was then proposed the addition of four specific Federal requirements to be met in all Federal/State agreements pertaining to claims and the recognition of ownership. No action was taken at this time. Mrs. Twyne reviewed in some detail what had happened in the gathering of horses in Idaho. There was a motion for a unanimous resolution from the Board condemning this particularly brutal roundup in Idaho.

At this point, the Chairman ruled that the earlier motions must be disposed of before he would entertain anything further. A further amendment to the original motion substituted the words "evidence of" in place of "proof of." This was seconded and the vote on this amendment was favorable with one dissent. The Chairman then called for a vote on the original recommendation as amended. This vote was unanimously in favor, thus recommending a change in 4713.1(b) so that the last sentence would read "Claims must be based on evidence of ownership as cooperatively agreed between the agency and State authorities."

Note: It was not specifically stated by the Board that similar treatment be given to FS regulation 231.11(e) although discussion had so indicated.

21st Response:

The regulations were modified to read "that a claimant must submit "sufficient" evidence of ownership to justify a roundup before permission will be granted by the authorized officer to gather such animals."

The complete text of 4713 (claimed animals) was redrafted and expanded for clarification. The present draft includes a provision for a cooperative agreement between the State Director and the agency responsible for the State branding and estray laws setting forth specific criteria for establishing claims to unbranded horses or burros. In the absence of such agreements, ownership status will be determined by the authorized officer.

- (2) Concerning paragraph (c) of 4713.1, it was suggested there be added to the last sentence the words "and agreed upon by the Federal Government agency in question." This was questioned as possibly an exercise of veto power by the Federal agency and opinions were expressed, both pro and con. A substitution was offered in lieu of the above to read following the words "State Official," "pursuant to a cooperative agreement between the Bureau of Land Management and appropriate State agency." After further discussion, there was a motion to include the four specific requirements mentioned in paragraph (1) above, in all cooperative Federal/State agreements. The Chairman stated that action on this last proposal should be delayed until it could be typed for distribution and review by all Board members. Further consideration of the statement concerning the Idaho roundup resulted in a motion to table action on the Idaho matter until review of the regulations was completed. This was seconded and carried unanimously.
- (3) Next, consideration was given to paragraph (d) of 4713.1. Objection was offered to waiving trespass action as proposed by BLM regulations and a motion was made, "that the trespass charge, referred to in (d), not be waived for animals for which claim of ownership is submitted within 90 days of the effective date of these regulations." This was seconded and the motion was defeated with one affirmative vote.

22nd Response:

The waiver of trespass charges has been deleted from the regulations on the advice from the Solicitor and general public comments received.

- (7) There was additional discussion about the provisions of law regulating or prohibiting use of airplanes.

It was moved that "We present this (PL 86-234) to the Forest Service and BLM to be reviewed by their Solicitors and report back to us at the next meeting as a possibility of the interpretation here that with hunting and management, aircraft might not be used." The motion was seconded and passed with one abstention.

23rd Response:

A review of the legislative history of PL 88-234 revealed that Congress considered and rejected the exemption of Federal agencies from the provisions of this act prior to passage; therefore, no purpose would be served in requesting a legal opinion.

Pages 27 and 28 - (4713.1(c) - USDI
(231.11(c) - USDA

This involved further consideration of a recommendation for addition to the language of regulation 4713.1(c) and the second paragraph of 231.11(c). It was moved "that the Federal agency in working out its cooperative agreement with the State agency responsible for establishing proof of ownership of free-roaming horses be guided by the following requirements: 'One, that the Federal agency ask there be included in the agreement an affidavit signed by claimant setting forth the following: (a) date he obtained title to the animals; (b) number of animals released on the open range; (c) date of release in order to approximate number of offspring; (d) number of animals for which permit to graze has been issued; (e) evidence of payment of grazing fees and number on which fees were paid; (f) evidence of payment of personal property taxes if it be in a State that requires payment of personal property taxes on animals.

"Two, concurrence of recognition of ownership by a duly authorized Federal official, based upon the foregoing requirements.

"Three, 30-day public notice in order to afford an opportunity for interested individuals to register objection to questionable claim."

After discussion, Part 1(a) of the motion, "date he obtained title to the animals," was withdrawn.

It was then moved in lieu of the language in Part 1(a) there be substituted, "a claim of ownership and willingness to defend title," and the addition of a sentence (g) "Proximity of private lands and ranching operations to the grazing area involved." This was seconded but no vote taken. There followed additional discussion concerning the manner in which the criteria listed in the original motion should be treated.

A motion was made that "The recommendations of the Article, commentary, not book, "Bureau of Land Management - Claimed Animals," be not included in the recommendations, in the regulations, but be considered for cooperative agreements in separate." This was seconded. After further discussion another motion was offered for addition to 4713.1(c) following the words, "State Official," "and agreed upon by the Federal agency in question pursuant to a cooperative agreement between the Bureau of Land Management and the State agency, containing criteria for the determination of ownership." This was seconded and passed by unanimous vote.

24th Response:

The criteria have been included in the "Cooperative Agreements" relative to processing claims.

SUBJECT: Minority Report of Velma B. Johnston, member of the National Advisory Board on Wild Free-Roaming Horses and Burros opposing action taken by the Board at its meeting in Billings, Montana July 16th and 17th, 1973 that resulted in a recommendation for amendment to Public Law 92-195 and a recommendation for additional legislation.

MOTION: That the Board recommend Sections 3 (d) and 8 (4) of PL 92-195 be amended to permit carcasses of animals designated for disposal to be rendered in the customary manner, including use of commercial rendering plants; that any costs of such disposal or any income resulting from such disposal be strictly a responsibility of the Federal agency concerned and that no monies in any way accrue to any third party. (Motion carried)

I did not support this motion for the following reasons and respectfully ask that the recommendation be carefully evaluated before any steps are taken to seek Congressional action:

#1. In the case of wild horses particularly, they are located for the most part in rugged inaccessible terrain. It would be necessary to round up or trap the animals, separate those to be destroyed from those that would remain, drive them into holding corrals adjacent to roads that would accommodate vehicles to transport the carcasses and there kill them. Such locations would also be accessible to public view. It is inevitable that injuries occur, and in addition the most common method used in the handling of wild horses is to wire or staple their nostrils closed to restrict breathing and render them more manageable while driving them from their remote habitat to the slaughter location.

#2. A humane procedure would be to destroy the animals in their habitat, exercising care that a minimum of disturbance to those selected for survival would occur. In most areas it would be physically impossible and economically prohibitive to move carcasses from such locations to processing centers due to the cost of equipment and the amount of manpower it would require if access could be gained to those remote areas.

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#3. To keep carcasses from spoiling in transit to processing, refrigeration would be necessary, adding further to the cost of removing them.

#4. Rarely if ever will a rendering plant pick up dead animals and pay for the carcasses, so revenue from that source should not be anticipated.

#5. The alternative to commercial rendering of the carcasses would be to deliver the animals alive to the rendering plants for which payment is made to the consignor on the basis of the weight of the animal. The inhumane conditions outlined in #1 would prevail, but to a greater degree, since considerable additional handling would be required for live transportation. Further, the dollars and cents traffic in wild horses and burros encourages over-zealous reductions and it was to preclude the probability of profit, leading to sweeping reductions, that the prohibition against commercial processing was included in drafting the legislation that was to become Public Law 92-195.

It should not be anticipated there will be destruction of excess animals in such quantity at any one location as to cause a pollution threat or to rule out the feasibility of allowing the carcasses to lie where they drop, thus providing food for other wildlife, a cycle of nature that has been accepted since the beginning of time.

Every effort should be made to defeat a move to permit disposal of carcasses or live wild horses and burros at commercial rendering plants

* * * * *

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MOTION: That the Board recommend legislation be sought to allow aircraft, including helicopters, to be used in inventorying and removal of excess horses and burros; and further that each and every aircraft have in it an employee of one of the two departments. (Motion carried)

My opposition to this motion is based on my own personal observations of the abuses and indiscriminate harvesting resulting from the use of aircraft, and the campaign I spearheaded in the 1950's to outlaw the use of aircraft and mechanized vehicles. The campaign culminated in enactment of Public Law 86-234, which prohibits the hunting by aircraft or motor vehicles for the purpose of capturing or killing, any wild unbranded horse, mare, colt or burro running at large on public lands or ranges of the United States, and it defines "aircraft" as being any contrivance used for flight in the air. Passage of that legislation slowed down operations that threatened the annihilation of those animals . . . annihilation that served a two-fold purpose:

It cleared the public lands of wild horses and burros thus making more range available for private commercial livestock operations and for game animals to draw the hunters who enrich the coffers of State Fish and Game Commissions;

And it provided a cheap commodity to be processed into pet food and other marketable products.

The legislation passed both the House and Senate unanimously, and was signed into law by President Eisenhower on September 8, 1959.

At Congressional hearings on the measure, Department of the Interior witnesses pressed strongly for an amendment that would exempt the Federal land management agency from compliance with the terms of the bill. They were vehemently opposed by witnesses testifying in support of the measure on evidence of widespread abuses and indiscriminate gathering and slaughter of the animals by agency-authorized operators, to an extent that had reduced their numbers from an estimated two million to 25,000 over a period of 50 years. The House and Senate Committee concluded that

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such an amendment could not be included as "the insertion of a proviso of this sort would have the effect of all but destroying the effectiveness of the legislation".

(Senate Committee Report No. 802 and House of Representatives Committee Report No. 833 of the 86th Congress.) And, as was pointed out at the hearing, the Act carries no provision that would prevent the Federal agency from using aircraft to inventory or "spot" wild horses and burros.

There is little if any indication that attitudes of the powerful opponents of PL 86-234 have changed toward wild horses and burros since its enactment, and by the Congressional mandate of 1971 designated Public Law 92-195 these animals are now to be given recognition as an integral part of the natural system of the public lands and are to be protected from capture, branding, harassment or death. Responsibility for carrying out that charge has been placed in the hands of the Bureau of Land Management and the Forest Service.

Mr. William B. Wright, Jr., a Nevada rancher, spoke before the National Advisory Board on Wild Free-Roaming Horses and Burros at its meeting in Denver, Colorado in March, 1973 as to the merits of the use of aircraft for managing, collecting and inventorying wild horses, and told of his own expertise in relation to the humaneness of this method of capture, including his use of a shotgun. Throughout Mr. Wright's presentation I detected emphasis on the fact that no rancher would run the risk of injury to his animals because of their value to him and that is why he, William Wright, favored the aircraft method of rounding up in lieu of ground operations. Mr. Wright was speaking of animals of value to the person gathering them (himself, in this instance) and I quote from his presentation: "We have handled for years our own horses, our own real good horses we didn't want to put a scratch on. We handled them entirely from the airplane . . . handled them at all times with an airplane."

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Collecting excess wild horses and burros to be disposed of is an entirely different matter, for they are of value to no one engaged in the operation, no personal interest is served through humane and careful handling, and the only concern of those participating is "to get rid of them"

That Mr. Wright influenced the committee to favor this type of collecting was evidenced in the vote of its members to recommend passage of legislation restoring the use of aircraft to the Federal land management agencies, with mine the only dissenting vote. Although he presented it well, I cannot accept Mr. Wright's as evidence of humaneness in the over-all use of aircraft in collecting wild horses and burros, since his presentation covered his own expertise and care in airborne operations that involved horses of value and/or interest to him. He did not dwell on the methods of operation of others whose assignments would be of a far different nature. The latter's abuses are well documented, and damage to those animals who elude capture can only be guessed at, for when wild horses are forced to run excessive distances at excessive speeds they burn up their reserve of energy needed to survive in their bleak and barren habitat.

In an effort to insure that humane procedures would be carried out, the motion requires that each and every aircraft have in it an employee of one of the two departments (BLM or Forest Service) Such a requirement is no guarantee of humane treatment. One has only to look at the record of abuses and indiscriminate slaughter in carrying out clearance programs authorized and encouraged by government personnel to recognize their failure to insure humane treatment when expediency is the prime consideration. Most recently, the roundup in Idaho in February of this year shocked the nation with its cruelty and carnage.

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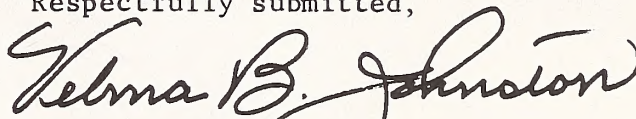
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The degree of an individual's sensitivity in judging what is humane and what is not in the method of handling animals is directly related to the expediency it affords and the extent to which it minimizes the individual's own input of personal effort and exertion. An airplane provides the expediency and minimizes the effort.

The bloody massacres of the 1940's and 1950's gave impetus to the massive drive that resulted in outlawing the use of airplanes and motorized vehicles. To restore to the management agencies now the means by which to repeat those operations would amount to total disregard of the Congressional Committees that weighed the matter carefully, and of the 86th Congress that acted unanimously to carry out the will of the people of America, concerning animals belonging to the people of America, inhabiting lands belonging to the people of America.

As I have done for the past fourteen years, I shall continue to oppose efforts aimed toward restoration of the use of aircraft and motorized vehicles to collect wild-free roaming horses and burros.

Respectfully submitted,



Velma B. Johnston, Member
National Advisory Board on
Wild Free-Roaming Horses and
Burros

Dated at Reno, Nevada
September 25, 1973

